


# HALIFAX

P.O. Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

**Item No. 11.1**  
**Halifax Regional Council**  
**September 6, 2016**

**TO:** Mayor Savage and Members of Halifax Regional Council

**SUBMITTED BY:** Original Signed by   
\_\_\_\_\_  
John Traves, Q.C. Acting Chief Administrative Officer

Original Signed by   
\_\_\_\_\_  
Jane Fraser, Acting Deputy Chief Administrative Officer

**DATE:** August 12, 2016

**SUBJECT:** Noise Exemption Request – King's Orientation Week

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## **ORIGIN**

July 25, 2016 – Staff received an application from the University of King's College Student's Union for an exemption from By-Law N-200, Respecting Noise, outlined as Appendix A.

## **LEGISLATIVE AUTHORITY**

By-Law N-200, Respecting Noise, Part 6; Grant of Exemptions by Council.

## **RECOMMENDATION**

It is recommended that Halifax Regional Council approve the University of King's College Students' Union's application for an exemption from the provisions of the Noise By-Law pursuant to the contents of this report and any matters raised at the public hearing.

## **BACKGROUND**

In September, 1999 HRM Council adopted By-Law N-200, Respecting Noise. The By-law states under Section 3 of the **General Prohibition** section:

3. (1) No person shall engage in any activity that unreasonably disturbs or tends to disturb the peace and tranquillity of a neighbourhood.
- (2) Without limiting the generality of subsection (1), the activities listed in Schedule “A” during the prohibited times and places as set out therein are deemed to be activities that unreasonably disturb the peace and tranquillity of a neighbourhood.
- (3) For the purpose of a prosecution pursuant to subsections (1) or (2), evidence that one neighbour is unreasonably disturbed by a noise is prima facie evidence that the neighbourhood is unreasonably disturbed by the noise.

Part 6 of the By-Law, “**Grant of Exemptions by Council**”, allows for any person to send an application to Regional Council requesting an exemption from any or all provisions of the Noise By-Law for which that person may be prosecuted. The By-Law states that an applicant or any person opposed to an application may be heard at a session of Council. Notice of the Council Session is required to be mailed to assessed property owners located within 100 feet of the properties which are subject to the hearing.

In deciding whether or not to grant an exemption, Council is to give consideration to:

- the social or commercial benefit of the proposed activity to the municipality;
- the viewpoints of community residents;
- the proposed hours of operation of the proposed noise-emitting activity; and
- the proposed duration of the subject activity.

An excerpt from the Noise By-Law detailing the exemption process is attached as Appendix B.

## **DISCUSSION**

The King’s College Students’ Union is planning an outdoor concert as part of the King’s College Orientation Week which will be held at the University of King’s College at 6350 Coburg Road.

The outdoor concert will include music and amplified sound and take place on Friday, September 9, 2016 from 1:00 p.m. to 12:00 a.m.

An exemption from By-Law N-200, Respecting Noise, is being requested for the following times:

Friday, September 9, 2016 – 9:30 p.m. to midnight

Notice of the Council Session at which the hearing is proposed to take place has been sent to property owners within 100 feet of the Coburg Road location.

Under subsections 6(3) and (5) of the Noise By-Law, Council may consider any matters it deems appropriate at the hearing and either reject an application, or approve it, with or without conditions.

## **FINANCIAL IMPLICATIONS**

There are no financial implications.

### **RISK CONSIDERATION**

There are no significant risks associated with the recommendation in this report. A request is being made for Council to approve a noise exemption request for the University of King’s College Students’ Union. The risks considered rate low.

### **COMMUNITY ENGAGEMENT**

The King’s College Orientation Week is an annual event. Organizers for the event will be sending letters to neighbouring property owners to provide advance notice of the scheduled events.

Noise exemptions have been granted in previous years for King’s College Orientation Week events and there were no complaints received last year.

### **ENVIRONMENTAL IMPLICATIONS**

Event organizers have confirmed appropriate waste and recycling practices will be followed. Containers will be provided on site to facilitate proper sorting.

### **ALTERNATIVES**

1. Approve the application with conditions; or
2. Reject the application in its entirety.

### **ATTACHMENTS**

Appendix A: July 25, 2016 Application for Exemption from By-Law N-200, Respecting Noise  
Appendix B: Excerpt from By-Law N-200 respecting Noise re: Granting Exemptions by Council

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A copy of this report can be obtained by contacting the Office of the Municipal Clerk at 902.490.4210 or Fax 902.490.4208.

Report Prepared by: Tanya Phillips, Manager By-Law Standards 902.490.4491

Report Approved by: \_\_\_\_\_  
Andrea MacDonald, Manager, License Standards 902.490.7371 for  
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Report Approved by: \_\_\_\_\_  
Bob Bjerke, Chief Planner and Director, Planning and Development, 902.490.1627

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## Appendix A



**King's Orientation Week 2016**  
6350 Coburg Road, Halifax, NS, B3H 2A1  
902.429.3399

RE: Noise Bylaw Exemption N-200

Dear Halifax Regional Municipality and Halifax Regional Council,

With the objective of welcoming incoming students to our institution, the King's Students' Union at the University of King's College organizes an annual Orientation Week. The week, running from September 4, 2016 until September 10, 2016, consists of a series of events designed to immerse new students into the King's community and surrounding Halifax Regional Municipality. Typically, King's Orientation Week hosts three to four major events outdoors in order to acquaint resident students with their new home and familiarize day students with the layout of our campus. Given the volume of students and our smaller on-campus venues, hosting outdoor events fosters a positive and welcoming atmosphere that can accommodate the entire incoming class without concern of students feeling overwhelmed by a restriction to much smaller spaces.

With this in mind, we, the Orientation Week Coordinators, working under the King's Students' Union, formally request a noise by-law exemption of By-law N-200, *Respecting Noise*, for an outdoor **Concert in the Quad** taking place on **Friday, September 9th, 2016 from 1:00pm until 12:00am**. It is important for us to schedule events extending until midnight to coincide with the quiet hours provided by the Residence Programme. This ensures that our students are enjoying a safe space provided by the King's Students' Union for the duration of their night on campus. Please note that while this exemption request may extend later than those requested by other universities, the smaller size and scale of our Orientation Week ensures that our noise will not be as loud as that generated by other larger schools.

Though our primary task is to celebrate our own community, we acknowledge that the University of King's College sits in close proximity to many private residences and is part of the larger Halifax community, and we are dedicated to ensuring that all provisions of the exemption are obeyed to the fullest extent. We are thankful for the surrounding community's cooperation and enthusiasm with this event.

Regards,

Original Signed

Sam Cotton

King's Students' Union Orientation Week Coordinator  
Email: [orientation@ksu.ca](mailto:orientation@ksu.ca)  
Tel: 902-429-3399

## Appendix B

### Excerpt from By-Law N-200 Respecting Noise re: Granting Exemptions by Council.

#### Grant Of Exemptions By Council

6. (1) Notwithstanding anything contained in this By-Law, any person may make application to Council to be granted an exemption from any of the provisions of this By-Law with respect to any emission of noise for which that person might be prosecuted; and Council, by resolution, may refuse to grant any exemption or may grant the exemption applied for or any exemption of lesser effect; and any exemption granted shall specify the time period, not in excess of six months, during which the exemption shall be effective and the exemption shall be in written form and shall include such terms and conditions as Council deems appropriate.
- (2) In deciding whether or not to grant an exemption, Council shall give consideration to the social or commercial benefit of the proposed activity to the municipality, the views of any residents of the municipality which may be expressed to Council, the proposed hours of operation of the proposed noise-emitting activity and the proposed duration of the subject activity.
- (3) In deciding whether or not to grant an exemption, Council shall give the applicant, and any person opposed to the application, an opportunity to be heard during a Council Session and may consider such other matters as it deems appropriate.
- (4) Notice of the time, date and purpose of the Council Session at which the hearing is proposed to take place shall be mailed to the assessed owner or owners as shown in the records of the Regional Assessment Office, of property located within 100 feet of the property which will be the subject of the hearing;
- (5) Any alleged breach by the applicant of any of the terms or conditions of any exemption granted by Council, shall be investigated by municipal staff, reported to Council in writing and Council shall determine whether or not a breach has taken place. If a breach has taken place, Council may pass a resolution revoking the exemption, without the necessity of giving notice of rescinding motion, and such exemption shall be null and void as of the passing of such resolution.